



FORT GORDON CYBER CENTER OF EXCELLENCE
OFFICE OF THE STAFF JUDGE ADVOCATE
Legal Assistance Office



This Information Paper from the Fort Gordon Legal Assistance Office contains general legal information on a topic upon which Legal Assistance Attorneys typically advise. The information provided is general in nature and does not constitute formal, specific legal advice. If you wish to receive legal advice specific to your situation, please consult an attorney.

CYBER ADVOCACY: POWERS OF ATTORNEY

Powers of Attorney authorize an appointed agent to perform a variety of acts on your behalf in your absence. An appointed agent is authorized to conduct general or specific acts depending on the type of power of attorney granted. Your appointed agent should be someone that you trust. It is important to understand any act performed, using a power of attorney in your name will result in you being held legally responsible for that action.

TYPES OF POWERS OF ATTORNEY

General Power of Attorney:

A general power of attorney is intended to authorize your appointed agent to perform almost any act needed on your behalf. This broad power of attorney allows your agent to make purchases, apply for loans and credit cards, open bank accounts, sign contracts, and much more. It is imperative that you understand the liability imposed upon you when authorizing someone to act on your behalf with a general power of attorney. If the agent acts pursuant to his or her rights under the general power of attorney, you are ultimately held responsible.

Special/Specific Power of Attorney:

A special/specific power of attorney is simply that – specific for a certain act or acts. A specific/special power of attorney authorizes your appointed agent to conduct acts with a specific organization or make a one-time transaction on your behalf. This type of power of attorney is recommended for most servicemembers and their dependents, particularly for transactions with military organizations. Many military organizations only accept specific/special powers of attorney. Specific powers of attorney can be drafted for almost any situation that requires your presence but at which you are physically unable to appear.

SELECTING AN AGENT

It is very important that you choose an agent that you trust when granting them the right to act on your behalf with either a general or special/specific power of attorney. You are held responsible for the transactions made by your appointed agent.

RECOGNITION OF POWERS OF ATTORNEY

Please be aware that businesses, government agencies and individuals are not required to act upon your agent's presentation of a power of attorney. Therefore, please coordinate in advance with the other party to determine whether it will accept your agent's authority under the power of attorney, and, if so, whether they require your power of attorney to contain particular information.

REVOKING POWERS OF ATTORNEY

Any power of attorney, general and special/specific, can be revoked at any time. The most effective revocation is destruction of the original power of attorney. However, written notice must be given to any organization, or third party, where the power of attorney may have been presented, or attempted to be used. It is also important to provide written notice of the revocation to the appointed agent as well.

SPECIFIC CONSIDERATIONS

1. Powers of attorney typically are given for a specific amount of time. State laws provide guidance on the length of time a power of attorney may be given. It is a good idea to appoint an agent only for the amount of time you will be unavailable.
2. Choosing an agent is very important. Make sure to select someone you trust completely.
3. Giving special/specific powers of attorney is the best option when needing an appointed agent. Limited power to act on your behalf provides you the greatest protection against possible unwanted use of a power of attorney.
4. Third parties DO NOT have to accept a power of attorney, nor do they have to allow you conduct specific acts even though they have accepted the power of attorney (e.g., military finance will not allow you to change the direct deposit account for a servicemember even though they accept the power of attorney to conduct other types of transactions). Check with the organization at which you desire your agent to act pursuant to the power of attorney to ensure the power of attorney will be honored for the actions you wish your agent to perform.

ADDITIONAL INFORMATION

For additional information on powers of attorney, the Fort Gordon Legal Assistance Office located at 267 3rd Avenue, Building 35202. You may also reach the office by calling (706) 791-7812/7813. Please be advised you must have an appointment to consult with one of the attorneys; however, paralegals are available during hours of operation to answer general questions.